

REMARKS

Reconsideration and further examination of the subject patent application in light of the present Amendment and Remarks is respectfully requested. Claims 1-38 are currently pending in the application. Claims 1-38 stand rejected.

Rejections under 35 U.S.C. §103

Claims 1-2, 8-9, 12-14, 15-16, 22-23 and 26-28 have been rejected as being obvious over Landsman et al. in view of Wen et al. In response, independent claims 1, 15 and 29 have been further limited to "a human agent". Support for the further limitation may be found within the specification at paragraph [0021]. It may be noted in this regard that only a person can have personal knowledge.

In particular, the Examiner asserts that

Landsman substantially teaches the invention including a technique for implementing in a networked client-server environment, e.g., the Internet, network-distributed advertising in which advertisements are downloaded, from an advertising server to a browser executing at a client computer, in a manner transparent to a user situated at the browser, and subsequently displayed, by that browser on an interstitial basis, in response to a click-stream generated by the user to move from one web page to the next (See abstract)." (Office Action of 8/11/05, page 4).

With regard to claims 1 and 15, the Examiner suggests that the method step of (and apparatus for) "receiving a request from an Internet requester by a website for a communication session with an agent of the website" is

taught by col. 19, lines 22-51 of Landsman et al. However, the AdController agent is downloaded from an agent server 15, so there is no request received by a website from an Internet requester.

More specifically, "the browser in response to executing the advertising tag, issues a request , symbolized by line 54, to agent server 15 to download the AdController agent" (Landsman et al., col. 19, lines 49-51). However, the downloading of the AdController agent constitutes the mere mechanical act of downloading a file. It does not constitute a communication session with a human agent or a request for a communication session with a human agent.

In addition, once the browser 7 sends the request, the "server 15 accesses and downloads, as symbolized by line 56, the needed files to install the AdController agent to execute under browser 7 on the client PC" (Landsman et al., col. 19, lines 54-57). Once the AdController is installed within the browser 7 there could not be any communication session between an Internet requester and human agent of the website, as such terms are used in the specification and as such terms are used in the art. This would necessarily be the case because the terms would not cover the situation of the browser 7 establishing a communication session with itself.

Continuing with claims 1 and 15, the Examiner suggests that the method step of "analyzing browser associated information relating to the request" is taught by col. 19, lines 22-51 of Landsman et al. However, the specification explicitly states (par. [0020]) that "As used herein, browser associated information relating to the request means information delivered to a server along with the

information request from the browser, router information retrieved by the server based upon the URL of the browser or information retrieved by the server from the browser about communication sessions with other servers".

In this case, the downloading of the AdController is not "information delivered to a server along with the information request from the browser". Instead, the downloading of the AdController occurs based upon information delivered to the browser 7.

Similarly, the downloading of the AdController is not "router information retrieved by the server based upon the URL of the browser or information retrieved by the server from the browser about communication sessions with other servers". The downloading of the AdController is not router information because Landsman et al. does not address the issue of routers or routing.

The downloading of the AdController is also not information retrieved by the server from the browser about communication sessions with other servers for reasons that exist on several levels. On a first level the AdController operates from within the browser 7 and therefore would obviate any need for any advertising server to retrieve information about other servers. More to the point, Landsman et al. operates in the opposite manner wherein the Adcontroller determines what information to retrieve from the advertising server, rather than visa versa.

On another level, the specification describes (e.g., par. [0032]) a very specific structure for file sharing. Landsman et al. fails to provide any description of the same or any similar structure.

Continuing with claims 1 and 15, the Examiner suggests that the step of (and apparatus for) "selecting an agent

for the communication session based upon a content of the analyzed browser associated information" is taught by col. 19, lines 35-51 of Landsman et al. However, the AdController agent is only a single entity that is used for a different purpose than that of the claimed invention. Therefore, under Landsman et al., there would not be any selection step of a human agent based upon a content of any analyzed browser associated information.

The Examiner then goes on to admit that "Landsman does not specifically and transparently address selecting an agent for the communication session based upon a content of the analyzed browser associated information. However, Wen goes into the details of establishing a communication session with a website agent. (See paragraphs 18 and 19)" (Office Action of 8/11/05, page 7). The difficulty with the Examiner's position, however, is that Landsman et al. is directed to an AdController agent that downloads ads. If the Landsman et al. AdController were modified to process chat sessions, then the Landsman et al. AdController would be rendered inoperable for its intended purpose of selecting ads.

Because of the clear differences defined by the claimed invention, the combination of Landsman et al. and Wen et al. fail to provide any teaching or suggest of any of the elements of claims 1 and 15. In this regard, the Examiner has clearly failed to meet his burden of establishing the prima facie case of obviousness.

Regarding claims 2 and 16, the Examiner admits that Landsman et al. does not disclose "retrieving a list of router identifiers", but asserts that "Wen unequivocally discloses such limitation. (See paragraph 27, last sentence.) (other companies imply other routers.)" (Office

Action of 8/11/05, page 4).

However, a review of Wen et al. reveals that Wen not only does not disclose routers; but, instead, merely discusses the transferring of chat sessions. The transfer of chat sessions may not even involve other routers because other companies may be on the same router as the transferring company and, therefore Wen provides no teaching at all in this regard. In addition, there is no mention of any "list of router identifiers" within Wen et al. As such, the combination of Landsman et al. and Wen et al. clearly fails to teach or suggest this claim limitation.

With regard to claims 8 and 22, the Examiner suggests that the method step of (and apparatus for) "retrieving a set of shared files from a browser of the requester" is taught by col. 19, lines 22-46 of Landsman et al. However, Landsman et al. operates exactly the opposite of the claimed invention. In this regard, it is the browser 7 that downloads the files of the AdController from the server 15, not the other way around.

With regard to claims 9 and 23, the Examiner suggests that the method step of (and apparatus for) "detecting a set of file extension of the shared files" is taught by col. 19, lines 22-46 of Landsman et al. However, Landsman et al. fails to provide any mention of file extensions, much less any detecting of any file extensions. Since there is no mention or suggestion, the combination fails to provide any support for a rejection of this claim.

With regard to claims 12 and 26, the Examiner suggests that the method step of (and apparatus for) "detecting a URL of a competitor" is taught by col. 18, lines 36-47; col. 20, lines 56-63; and Fig. 1B (20) of Landsman et al.

In particular, the Examiner asserts that "See col. 20, lines 56-63) (Fig. 1B (20) depicts third party ad server (competitor) See also col. 18, lines 36-47.)" However, Landsman et al. explicitly states that "Third-party ad HTTP server 20 . . . in response to a request originating from the AdController agent executing in browser 7, selects a given advertisement and then downloads, in a "polite" manner controlled by the agent" (Landsman et al., col. 17, lines 7-15). As such, the Examiner's competitor is not a competitor at all, but merely part of the same AdController. As such, these claim elements are also not taught or suggested by the combination.

With regard to claims 13 and 27, the Examiner suggests that the "identifier of a webpage of a specific product of the competitor" is taught by col. 18, lines 36-47; col. 20, lines 56-63; and Fig. 1B (20) of Landsman et al. However, as established above, the server 20 is explicitly defined in Landsman et al. as being part of the AdController and, therefore, there is no competitor. As such, these claim elements are also not taught or suggested by the combination.

With regard to claims 14 and 28, the Examiner suggests that the method step of (and apparatus for) "searching for an agent with a knowledge of the specific product of the competitor" is taught by paragraph 29 of Wen et al. However, this paragraph of Wen et al. fails to make any mention of searching for a human agent with a knowledge of a specific product. As such, these claim elements are also not taught or suggested by the combination.

4. Claims 3-7, 10-11, 17-21 and 24-25 have been rejected as being obvious over Landsman et al. in view of Wen et al.

and Anderson et al. With regard to claims 3 and 17 the Examiner suggests that the method step of (and apparatus for) "identifying a locale of an IP packet router in a closest relative location to the requester" is taught by the combination of Landsman et al., Wen et al. and Anderson et al. The Examiner admits that "Neither Landsman nor Wen addresses the relative location of a router. However Anderson discloses such limitation extensively. (See abstract)" (Office Action of 4/5/05, page 6). However, the abstract of Anderson et al. simply discusses the geographic location of a network address. This is entirely different than the locale of an IP packet router. As such, these claim elements are also not taught or suggested by the combination.

With regard to claims 4 and 18 the Examiner suggests that the method step of (and apparatus for) "selecting the agent further comprises identifying an agent in the identified locale of the closest relative router" is taught by the combination of Landsman et al., Wen et al. and Anderson et al. The Examiner admits that "Landsman does not specifically address the relative location of a router and Wen teaches selecting an agent. However, Anderson discloses identifying a server in the identified locale of the closest relative router" (Office Action of 8/11/05, page 11). However, as discussed above, the abstract of Anderson et al. simply discusses the geographic location of a network address. This is entirely different than the locale of an IP packet router. As such, these claim elements are also not taught or suggested by the combination.

With regard to claims 5 and 19 the Examiner suggests that the method step of (and apparatus for) "determining an

organizational affiliation of the requester from a domain name of the request" is taught by the combination of Landsman et al., Wen et al. and Anderson et al. The Examiner admits that "Neither Landsman nor Anderson specifically address determining an organizational affiliation of the request from a domain name of the request. However Wen discloses organization affiliation, (see paragraph 27, last sentence) and domain name (See paragraph 32)" (Office Action of 8/11/05, page 11). However, the mere mention of a domain name (as in the referenced sections of Wen et al.) does not teach or suggest the determination of an organization affiliation based upon this information. As such, these claim elements are also not taught or suggested by the combination.

With regard to claims 6 and 20 the Examiner suggests that the method step of (and apparatus for) "retrieving a list of agents qualified to service communication sessions with the determined organization" is taught by the combination of Landsman et al., Wen et al. and Anderson et al. The Examiner admits that "Neither Landsman nor Anderson specifically address retrieving a list of agents qualified to service communication sessions with the determined organization. However Wen discloses such limitation, (see paragraphs 28, 29, 30, 31)" (Office Action of 8/11/05, page 12). However, the mere mention of the transfer of chat sessions (as in the referenced sections of Wen et al.) does not teach or suggest retrieving a list of human agents qualified to service communication sessions with the determined organization. As such, these claim elements are also not taught or suggested by the combination.

With regard to claims 7 and 21 the Examiner suggests

that the method step of (and apparatus for) "transferring a URL of the requester to the selected agent" is taught by the combination of Landsman et al., Wen et al. and Anderson et al. The Examiner admits that "Neither Landsman nor Anderson specifically address transferring a URL of the requester to the selected agent. However Wen discloses such limitation, (see paragraph 32)" (Office Action of 8/11/05, page 13). However, transferring a URL of a selected agent in the identified locale of the closest relative router is not taught or suggested by the combination.

With regard to claims 10 and 24 the Examiner suggests that the method step of (and apparatus for) "comparing the file extensions with a communications capability index" is taught by the combination of Landsman et al., Wen et al. and Anderson et al. The Examiner admits that "Neither Landsman nor Wen specifically addresses a communications capability index. However Wen discloses a confidence factor (an index). (See abstract)" (Office Action of 8/11/05, page 13). However, a confidence factor relating to a geographic location is an entirely different concept than a communication capability index. As such, these claim elements are also not taught or suggested by the combination.

5. Claims 29-31 have been rejected as being obvious over Landsman et al. in view of Wen et al. and Nixon et al. With regard to claim 29, the Examiner suggests that "a website adapted to receive a request from an Internet requester by a website for a communication session with an agent of the website" is taught by col. 19, lines 22-51 of Landsman et al. However, the AdController agent is

downloaded from an agent server 15, so there is no request received by a website from an Internet requester.

More specifically, "the browser in response to executing the advertising tag, issues a request , symbolized by line 54, to agent server 15 to download the AdController agent" (Landsman et al., col. 19, lines 49-51). However, the downloading of the AdController agent constitutes the mere mechanical act of downloading a file. It does not constitute a communication session with a human agent or a request for a communication session with a human agent.

In addition, once the browser 7 sends the request, the "server 15 accesses and downloads, as symbolized by line 56, the needed files to install the AdController agent to execute under browser 7 on the client PC" (Landsman et al., col. 19, lines 54-57). Once the AdController is installed within the browser 7 there could not be any communication session between an Internet requester and agent of the website, as such terms are used in the specification and as such terms are used in the art. This would necessarily be the case because the terms would not include the situation of the browser 7 establishing a communication session with itself.

Continuing with claim 29, the Examiner suggests that "a packet analyzer adapted to analyze browser associated information relating to the request" is taught by Landsman et al. The Examiner fails to provide any basis for this conclusion.

In addition, the specification explicitly states (par. [0020]) that "As used herein, browser associated information relating to the request means information delivered to a server along with the information request

from the browser, router information retrieved by the server based upon the URL of the browser or information retrieved by the server from the browser about communication sessions with other servers".

In this case, the downloading of the AdController is not "information delivered to a server along with the information request from the browser". Instead, the downloading of the AdController occurs based upon information delivered to the browser 7.

Similarly, the downloading of the AdController is not "router information retrieved by the server based upon the URL of the browser or information retrieved by the server from the browser about communication sessions with other servers". The downloading of the AdController is not router information because Landsman et al. does not address the issue of routers or routing.

The downloading of the AdController is also not information retrieved by the server from the browser about communication sessions with other servers for reasons on several levels. On a first level the AdController operates from within the browser 7 and therefore would obviate any need for any advertising server to retrieve information about other servers. More to the point, Landsman et al. operates in the opposite manner wherein the Adcontroller determines what information to retrieve from the advertising server, rather than visa versa.

On another level, the specification describes (e.g., par. [0032]) a very specific structure for file sharing. Landsman et al. fails to provide any description of the same or any similar structure.

Continuing with claim 29, the Examiner suggests that "an agent selection application adapted to select an agent

for the communication session based upon a content of the analyzed browser associated information" is taught by col. 19, lines 35-51 of Landsman et al. However, the AdController agent is only a single entity that is used for a different purpose than that of the claimed invention. Therefore, under Landsman et al., there would not be any selection step based upon a content of any analyzed browser associated information.

The Examiner then goes on to admit that "Landsman does not specifically and transparently address selecting an agent for the communication session based upon a content of the analyzed browser associated information. However, Wen goes into the details of establishing a communication session with a website agent. (See paragraphs 18 and 19)" (Office Action of 8/11/05, page 23). The difficulty with the Examiner's position, however, is that Landsman et al. is directed to an AdController agent that downloads ads. If the Landsman et al. AdController were modified to process chat sessions, then the Landsman et al. AdController would be rendered inoperable for its intended purpose of selecting ads.

Because of the clear differences between the claimed invention, the combination of Landsman et al. and Wen et al. fail to provide any teaching or suggest of any of the elements of claim 29. In this regard, the Examiner has clearly failed to meet his burden of establishing the prima facie case of obviousness.

Regarding claim 30, the Examiner admits that Landsman et al. does not disclose "retrieving a list of router identifiers", but asserts that "Wen unequivocally discloses such limitation. (See paragraph 27, last sentence.) (other companies imply other routers.)" (Office Action of 8/11/05,

page 24).

However, a review of Wen et al. reveals that Wen not only does not disclose routers; but, instead, merely discusses the transferring of chat sessions. The transfer of chat sessions may not even involve other routers because other companies may be on the same router as a transferring company and, therefore, Wen provides no teaching at all with regard to routers. In addition, there is no mention of any "list of router identifiers" within Wen et al.

The Examiner asserts with regard to the TRACEROUT limitation that "Nixon extensively discloses this limitation but particularly with reference to Fig. 2" (Office Action of 8/11/05, page 24). However, the disclosure of Nixon et al. is limited to monitoring informational resources, such as websites. As such, there would be no reason to use the TRACEROUT feature in the context of the claimed invention to identify the locale of the Internet requester for purposes of assigning an agent. As such, the combination of Landsman et al. and Wen et al. clearly fails to teach or suggest this claim limitation.

6. Claims 31-38 have been rejected as being obvious over Landsman et al. in view of Wen et al., Nixon et al. and Anderson et al. With regard to claim 31 the Examiner suggests that the "agent selection application adapted to identify an agent in the identified locale of the closest relative router" is taught by the combination of Landsman et al., Wen et al., Nixon et al. and Anderson et al. However, the Examiner fails to provide any basis for this assertion. In addition, as discussed above, the abstract of Anderson et al. simply discusses the geographic location of a network address. Nixon et al. simply discusses the

use of TRACEROUTE for identifying servers. This is entirely different than determining the locale of an IP packet router. As such, these claim elements are also not taught or suggested by the combination.

With regard to claim 32 the Examiner suggests that the "agent lookup table adapted to retrieve a list of agents qualified to service communication sessions with the determined organization" is taught by the combination of Landsman et al., Wen et al., Nixon et al. and Anderson et al. However, the mere mention of the transfer of chat sessions (as in the referenced sections of Wen et al.) does not teach or suggest retrieving a list of human agents qualified to service communication sessions with the determined organization. As such, these claim elements are also not taught or suggested by the combination.

With regard to claim 33 the Examiner suggests that the "communication processor adapted to transfer a URL of the requester to the selected agent" is taught by the combination of Landsman et al., Wen et al., Nixon et al. and Anderson et al. However, transferring a URL of a selected human agent in the identified locale of the closest relative router is not taught or suggested by the combination.

With regard to claim 34, the Examiner suggests that the "set of shared files from a browser of the requester" is taught by col. 19, lines 22-46 of Landsman et al. However, Landsman et al. operates exactly the opposite of the claimed invention. In this regard, it is the browser 7 that downloads the files of the AdController from the server 15, not the other way around. As such, the claim is not taught or suggested by the prior art.

With regard to claim 35, the Examiner suggests that

the "set of file extension of the shared files" is taught by col. 19, lines 22-46 of Landsman et al. However, Landsman et al. fails to provide any mention of file extensions, much less any detecting of any file extensions. Since there is no mention or suggestion, the combination fails to provide any support for a rejection of this claim.

With regard to claim 36 the Examiner suggests that the "file analyzer adapted to compare the file extensions with a communications capability index" is taught by the combination of Landsman et al., Wen et al., Nixon et al. and Anderson et al. However, a confidence factor relating to a geographic location or tracing routes for servers are entirely different concept than a communication capability index. As such, this claim element is also not taught or suggested by the combination.

With regard to claim 37, the Examiner suggests that the "communications capability index" is taught by the combination of Landsman et al., Wen et al., Nixon et al. and Anderson et al. However, a confidence factor relating to a geographic location is an entirely different concept than a communication capability index. As such, this claim elements is also not taught or suggested by the combination.

With regard to claim 38, the Examiner suggests that the "set of shared files further comprises a cookie" is taught by the combination of Landsman et al., Wen et al., Nixon et al. and Anderson et al. However, the Examiner fails to provide any basis for this rejection. In addition, the claimed use of a cookie to identify an agent close to an Internet requestor is unique and not taught by the combination of references. As such, this claim is not taught or suggested by this combination of references.

For any of the above reasons, allowance of claims 1-38, as now presented, is believed to be in order and such action is earnestly solicited. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

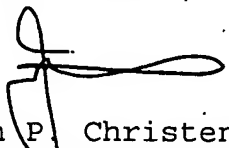
Closing Remarks

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Primary Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Primary Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,

WELSH & KATZ, LTD.

By: 
Jon P. Christensen
Registration No. 34,137

October 27, 2005
WELSH & KATZ, LTD.
120 S. Riverside Plaza
22nd Floor
Chicago, Illinois 60606
312-655-1500